

REMARKS

Claims 1-13, are pending in the Application. Claims 1, 7 and 9 have been amended. Support may be found in the Specification. No new matter has been added.

REJECTION UNDER 35 USC 112, first paragraph

Claim 7 has been rejected under 35 USC 112, first paragraph. The rejection should be withdrawn in view of the remarks below.

The Office Action alleges that "The recited "substituted" in line 3 of claim 7 is non-enabling absent particular substituents or functional groups recited in the specification. Cancellation of said "substituted" is needed if the specification does not teach such substituents or functional groups."

The Specification discloses the "substituents" - vinyl aromatics and/or vinyl aromatics substituted in the ring such as styrene, α -methylstyrene, p-methylstyrene, p-chlorostyrene (page 5, lines 25-27). Reconsideration is requested.

REJECTION UNDER 35 USC 112, second paragraph

Claims 1-13 stand rejected under 35 U. S. C. 103 (a) as being indefinite. In light of the comments in the outstanding Office Action, claim 1 has been amended to include a chemical name acrylonitrile/ethylene α -olefine rubber/styrene. Support is found in the Abstract as filed. No new matter has been added. Reconsideration is requested.

REJECTION UNDER 35 USC 103(a)

Claims 1-13 stand rejected under 35 U. S. C. 103 (a) as being unpatentable over Katayama and over Katayama in view of Dolal, Nodeva or WO 02/32993. The rejection should be withdrawn in view of the modifications above and remarks below.

A thermoplastic molding composition containing an acrylonitrile/ethylene α -olefine rubber/styrene graft polymer and an amount of an additive compound sufficient to increase the " Δ soft phase" value of the composition said additive compound being at least one member selected from the group consisting of

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-4-

triglycerides, aliphatic saturated and unsaturated hydrocarbons.

Applicants' invention is related to the novel use of the use of special additives, which concentrate specifically in the soft phase of the composition, significantly improves the low temperature properties in AES compositions or polycarbonate / AES blends. Applicants invention includes the addition of special additives to AES and blends thereof, increases the soft phase of the blend that results in a reduction of the corrected storage modulus G'_{corr} .

Applicants' novel formula detects the suitable additives (see claim 1) , and among the suitable additives are triglycerides and special hydrocarbons (see claim 2). In Applicants' invention particularly suitable additives are polybutenes.

Katayama teaches a polycarbonate having an epoxidized block copolymer (see claim 1). Such an epoxidized block copolymer is not used in Applicants' invention. Applicants' invention is directed to a graft polymer composition based on AES (acrylonitrile / ethylene α -olefine rubber / styrene) containing a special additive that leads to a material with improved toughness at low temperatures.

Neither Katayama, Dolal, Nodeva nor WO 02/32993, alone or in combination, teach or suggest Applicants' invention.

The Office Action suggests that the disclosure in col. 20, lines 4 to 9 of Katayama would yield to the formula of our claim 1 (see page 3 of the office action). However, Katayama teaches only general suggestions for the amount of the additives in the resin composition. No information for the detection of the special additives according to Applicants' invention is disclosed in the reference.

Further, the test results in Applicants' examples are related to the novel aspects of Applicants' invention. For example, Examples 6, 7 and 8 in table 2 on page 18 off the Specification (please note that example 6 is a comparison example). These examples contain e. g. NAPVIS® D2, D5 and D07 (Polybutenes sold under the NAPVIS trademark by BP Chemicals). These polybutenes differ in the molecular weight. As it can be seen from the table, Applicants claim only the additives that increase the softphase (examples 7 and 8). These additives lower the glass transitions of the rubber (soft) phase. This shows how important the formula is in order to determine which additives are useful and which are not.

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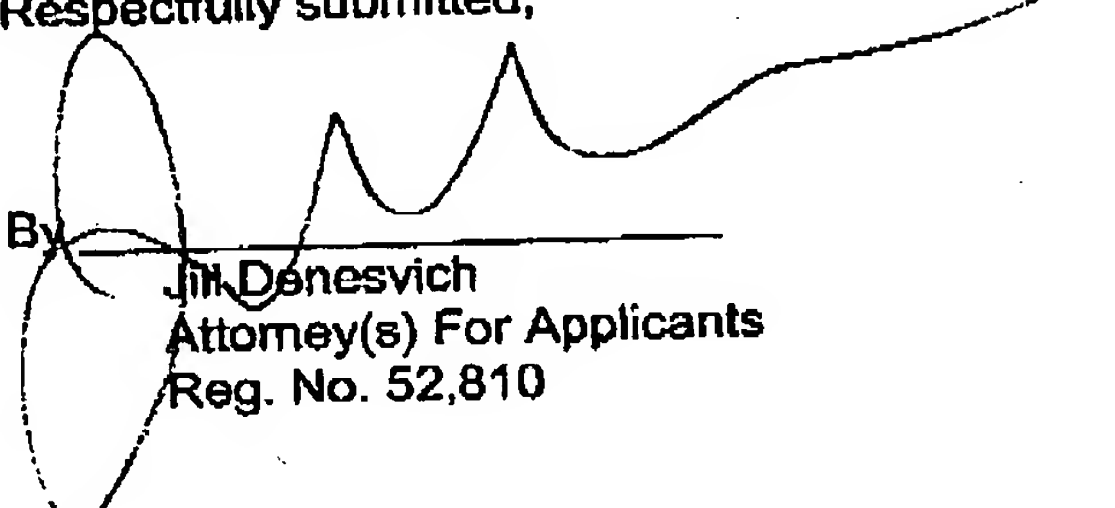
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Dolal, Nodeva or WO 02/32993 merely teach long known additives to certain polymer compositions. Thus, there is no teaching or suggestion that Dolal, Nodeva or WO 02/32993 provides any teaching or suggestion so that one skilled in the art can could make or practice Applicants' invention. Reconsideration is requested.

In view of the above amendments, Applicants submit that the claims are in condition for allowance and the Examiner would be justified in allowing them.

Respectfully submitted,

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-6-